

101 Rec'd PCT/PTO 26 SEP 2000

410 Rec'd PCT/PTO 26 SEP 2000

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#3

In re application of

09/555360

Leslie Robert WATSON et al

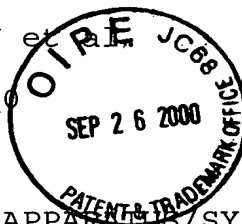
Box PCT

Serial No. 09/555,360

Attention: PCT Legal Office

Filed May 30, 2000

SAMPLE DISTRIBUTION APPARATUS/SYSTEM



PETITION UNDER 37 CFR §1.47(a)

RECEIVED

11 OCT 2000

Assistant Commissioner for Patents

Washington, D.C. 20231

Legal Staff  
International Division

Sir:

It is respectfully requested that the above-identified application be accepted under the provisions of 37 CFR §1.47(a) even though the sixth listed inventor, namely Christian Darrel DECOSTERD, cannot be located.

Submitted herewith are five declarations each signed by one of the remaining five other inventors, but each declaration lists all six inventors in accordance with 37 CFR

09/28/2000 LLANDGRA 00000020 250120 09555360

01 FC:122 130.00 CH

The last-known address of the non-signing inventor

09/28/2000 LLANDGRA 00000020 250120 09555360 Christian Darrel DECOSTERD is: 84 Dunedin Street, Sunnybank

02 FC:216 190.00 CH Queensland, 4109, Australia.

There is also submitted herewith a declaration of Ricky Siang Fatt CHIA, an electrical engineer and technical assistant at Intellpro (a firm of Australian patent attorneys and applicants' foreign counsel), who has knowledge of the facts of the inability to locate the non-signing inventor.

As is more fully detailed in Mr. CHIA's declaration, several attempts were made to locate and obtain Mr. Christian

Darrel DECOSTERD's signature on the application papers. Finally, on August 17, 2000, following the undersigned's recommendation, Mr. CHIA sent a registered letter to Mr. DECOSTERD at his above-mentioned last known address. Accompanying the registered letter were a combined declaration and power of attorney, an assignment document, and a complete copy of the application papers. The registered letter bore post number RL 5065698.

Mr. CHIA declares that on August 24, 2000, the registered letter was returned with the words "RETURN TO SENDER" with the box entitled "LEFT ADDRESS" checked. On the reverse side of the envelope, the Dead Letter Office of Australia applied its stamp on August 22, 2000.

There is also submitted herewith 5 individual assignments, one from each of the five signing inventors to A.i. Scientific Pty Ltd.

The Commissioner is hereby authorized to charge the requisite 37 CFR 1.17(h) petition fee of \$130 to counsel's Deposit Account No. 25-0120.

Petitioner also submits herewith the copy of the Notification of Missing Requirements Under 35 USC 371 in the United States Designated/Elected Office (Form PCT/DO/EO/905), and petitions for a two-month extension to respond to such notification until September 26, 2000. It is requested that the extension fee of \$190 be also charged to counsel's Deposit Account No. 25-0120.

WATSON et al. S.N. 09/555,360

In view of the above, it is respectfully requested that the above-identified application be accepted under the provisions of 37 CFR §1.47(a).

Respectfully submitted,

YOUNG & THOMPSON

By Benoît Castel  
Benoît Castel  
Attorney for Applicants  
Registration No. 35,041  
745 South 23rd Street  
Arlington, VA 22202  
Telephone: 703/521-2297

September 26, 2000

101 Recd PCT/PTO 26 SEP 2000  
09/555360

New United States Patent Application  
in the name of Leslie Robert WATSON et al.  
Corresponding to PCT International Patent Application No. PCT/AU98/00991  
claiming priority from Australian Patent Application No. PP0581

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**STATUTORY DECLARATION**

I, Ricky Siang Fatt Chia, of 20 River Park Place, Fig Tree Pocket, Queensland, 4069, Australia, do solemnly and sincerely declare as follows:-

1. I am an Electrical Engineer and am employed as a Technical Assistant by Intellpro, a firm of Australian Patent Attorneys.
2. I commenced work at Intellpro in September 1995.
3. Mr Trevor James Dredge, a registered Patent Attorney and the proprietor of Intellpro allocated for me to carry out the tasks of preparing documents necessary for filing a United States National Phase application of PCT International Patent application numbered PCT/AU98/00991 in April 2000.
4. On 26 April 2000 I prepared and sent a set of Combined Declaration and Power of Attorney forms and assignment forms to A.i. Scientific Pty Ltd, the assignee of the invention claimed in PCT/AU98/00991 and the new United State Patent Application, of 91 Landsborough Avenue, Scarborough, Queensland, 4020, Australia.
5. On 15 May 2000 I sent an order letter to Young & Thompson, Patent Attorneys, of 745 South 23<sup>rd</sup> Street, Arlington, Virginia 22202, United States of America, giving instructions to file a United States National Phase application of PCT/AU98/00991.
6. On 25 May 2000 I received a facsimile letter from Mr Pieter Kuiper, a project manager of A.i. Scientific Pty Ltd, advising that Mr Christian Decosterd, one of the inventors of the invention, was no longer with A.i. Scientific Pty Ltd and had moved to Switzerland. Mr Kuiper also advised that A.i. Scientific Pty Ltd does not have the contact

details of Mr Decosterd and therefore could not obtain signed documents from Mr Decosterd for the new United States National Phase application. Mr Kuiper's letter dated 25 May 2000 is herewith attached in Exhibit RC-1.

7. On 16 June 2000 I sent to A.i. Scientific Pty Ltd a Combined Declaration and Power of Attorney form and an assignment document, specifically for Mr Decosterd's signature in case A.i. Scientific Pty Ltd could be located. My letter dated 16 June 2000 is herewith attached in Exhibit RC-2.

8. On 26 June 2000 I received a letter dated 25 June 2000 from Ms Louise Pronk, an executive assistance of A.i. Scientific Pty Ltd, advising that Mr Decosterd was not contactable. Ms Pronk's letter is herewith attached in Exhibit RC-3.

9. On 17 August 2000 I sent a registered letter to Mr Decosterd addressed to his last known address. Enclosed with this letter were a Combined Declaration and Power of Attorney form, an assignment document, a copy of the PCT pamphlet of PCT/AU98/00991, and a copy of the Preliminary Examination report of PCT/AU98/00991. Attached in Exhibit RC-4 is a copy of Australia Post's receipt confirming lodgement of the registered letter identified as Registered Post Number RL 5065698.

10. Attached in Exhibit RC-5 is a copy of my letter of 17 August 2000 and a copy of the enclosures with the letter.

11. Australia Post returned the registered letter on 24 August 2000. On the front of the envelope of the returned letter Australia Post stamped with the words "RETURN TO SENDER" and ticked "Left Address". On the reverse side of the envelope the Dead Letter Office of Australia Post applied its stamp on 22 August 2000.

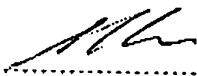
12. Attached in Exhibit RC-6 is a photocopy of the markings on the front of the envelope of the returned letter.

13. Attached in Exhibit RC-7 is a photocopy of the markings on the reverse side of the envelope of the returned letter.

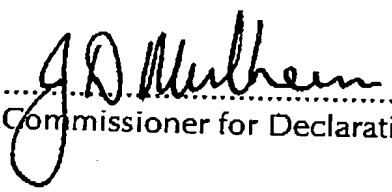
14. Up to this day I have no knowledge of Mr Decosterd's current mailing address. I also have no knowledge of Mr Decosterd's telephone and other electronic contact details.

And I further declare that all statements made herein of my/his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section §1001 of Title of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

DECLARED at Brisbane this 25th day of September , 2000

  
.....  
RICKY SIANG FATT CHIA

Before me:

  
.....  
Commissioner for Declarations

C. Dec 2790

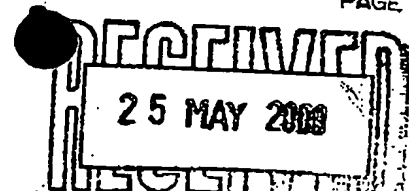
New United States Patent Application  
in the name of Leslie Robert WATSON et al.  
Corresponding to PCT International Patent Application No. PCT/AU98/00991  
claiming priority from Australian Patent Application No. PP0581

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This is Exhibit marked RC-1 referred to in the Statutory Declaration by RICKY SIANG FATT CHIA.

DATED this 25<sup>th</sup> day of September, 2000

*JO Mulhem* C Dec 2790  
Commissioner for Declarations



**A.I. Scientific**

A.I. Scientific Pty Ltd, ACN 009 938 498  
Mail: P.O. Box 215, Scarborough,  
Queensland 4020, Australia.  
Ph: +61 7 3897 3810  
Fax: +61 7 3897 3819  
pieter.kuiper@aiscientific.com

To: Ricky Chia  
Intellpro  
Fax: +61 7 3221 4762

From: Pieter Kuiper  
Date: May 25, 2000 Ref: 10:23

Dear Ricky,

As discussed today, Christian Decosterd has left our company and has moved to Switzerland. We do not have any contact details for him and therefore cannot get his signature for the patent application.

Please do whatever is required to continue processing the patent without Christian's signature.

Regards,

Pieter Kuiper  
Pathfinder Project Manager



**New United States Patent Application  
in the name of Leslie Robert WATSON et al.  
Corresponding to PCT International Patent Application No. PCT/AU98/00991  
claiming priority from Australian Patent Application No. PP0581**

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This is Exhibit marked RC-2 referred to in the Statutory Declaration by RICKY SIANG FATT CHIA.

DATED this 25<sup>th</sup> day of September, 2000

J. D. Mulhem C Dec 2790  
Commissioner for Declarations

16 June 2000

A.i. Scientific Pty Ltd  
PO Box 215  
SCARBOROUGH QLD 4020

Attention: Mr Peter Kulper

Dear Peter

**New United States Patent Application  
in the name of A.i. SCIENTIFIC PTY LTD  
entitled A SAMPLE DISTRIBUTION APPARATUS/SYSTEM  
Our Ref: 00P061:RC:SB**

Referring to your email of 25 May 2000 we confirm that we have advised our American associates the reason for the absence of supporting documents from Mr Christian Decosterd.

In case you can locate Mr Decosterd in the near future we have enclosed a set of the supporting documents for your US patent application.

We think some form of statutory declaration from A.i. Scientific about Mr Descoterd may be required some time later. We will of course prepare such a declaration should it be required.

Official filing details of the US patent application are expected in about three months time. We will report to you again when they are in hand.

Yours faithfully

  
**Ricky Chia**  
**INTELLPRO**

Enc: Combined declaration and Power of Attorney  
Assignment

\*Trevor J. Dredge - B Appl Sc Exec Dip Ent FIPTA  
\*Michael H. Kraemer - B Sc RPA(UK) RPA(NZ) FIPTA  
Ricky S.F. Chia - B Tech Elec Eng Grad IEAust PEng  
Angela V. Dahlke - B Appl Sc (Biotechnology) (Hons)  
\*Fellow of the Institute of Patent and Trade Mark Attorneys of Australia

Level 7 Reserve Bank Building 102 Adelaide Street Brisbane Q 4000  
GPO Box 1339 Brisbane Q 4001 Australia  
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Toll Free 1800 659 374 Website [www.intellpro.com.au](http://www.intellpro.com.au)  
Email [patents@intellpro.com.au](mailto:patents@intellpro.com.au)

**New United States Patent Application  
in the name of Leslie Robert WATSON et al.  
Corresponding to PCT International Patent Application No. PCT/AU98/00991  
claiming priority from Australian Patent Application No. PP0581**

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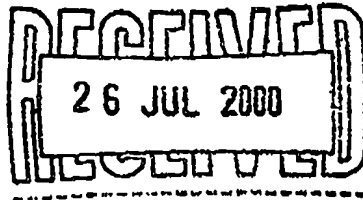
This is Exhibit marked RC-3 referred to in the Statutory Declaration by RICKY SIANG FATT CHIA.

DATED this *25<sup>th</sup>* day of *September*, 2000

*JO Mulhem* *6 Dec 2790*  
.....  
Commissioner for Declarations

July 25, 2000

Ref: 10:09 AM



Ricky Chia  
Intellpro  
GPO Box 1339  
Brisbane Qld 4001  
Australia

00P061

A.i. Scientific Pty Ltd, ABN 76 009 938 498  
P.O. Box 215, Scarborough,  
Queensland 4020, Australia.  
Ph: +61 7 3897 3862 Fax: +61 7 3897 3889  
aimail@aiscientific.com  
www.aiscientific.com

Dear Ricky,

Please find enclosed the Pathfinder Patent documents you require. Not enclosed are Christian Decosterd, who is uncontactable and Ross Weaver, who we have contacted but have not yet received his form. We will send you Ross's form as soon as we receive it.

Yours sincerely,

Louise Pronk  
Executive Assistant

**New United States Patent Application  
in the name of Leslie Robert WATSON et al.  
Corresponding to PCT International Patent Application No. PCT/AU98/00991  
claiming priority from Australian Patent Application No. PP0581**

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This is Exhibit marked RC-4 referred to in the Statutory Declaration by RICKY SIANG FATT CHIA.

DATED this *25<sup>th</sup>* day of *September*, 2000

*J. D. Mulhern* *C-Dec 2790*  
.....  
Commissioner for Declarations

# **Registered POST - Lodgment Document**

ORIGINAL - Customer Copy  
DUPLICATE - Office Copy

**From:** *Intellpro*

**To:** *Christian Daasford*  
*84 Dunedin Street*  
*SUNNYBANK HILLS*

Postcode **4109**

Description of Contents (Insurance only)

\$ Value

*Documents*

I hereby certify that this article does not contain dangerous or prohibited goods\*, e.g. explosives, flammables, corrosives, aerosols, etc. I have read the information contained on the reverse side of this receipt.

\*If in doubt ask at any Post Office.

A false declaration is a criminal offence.

*Charles* *17/8/00*

Senders Signature

Please retain this receipt

6336964 • Aug 95

Optional Services (additional fees apply):

Is additional Insurance\* required? ☐ Yes ☒ No  
Amount Insured for \$

(Over \$100 up to \$5,000)

Delivery Confirmation ☒ Yes ☐ No

Person to Person ☐ Yes ☒ No

\* NOTE:

Insurance to \$100 is provided at no additional cost.

AUSTRALIA POST USE ONLY

Registered Post number

*HL 5065698*

Postage

*2.45*

Fees

*3.49*

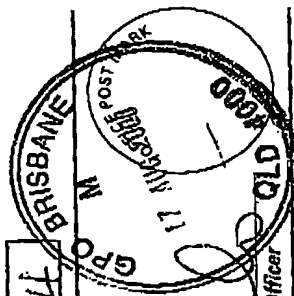
Insurance

*—*

Total

*5.94*

*1.96*  
*1.53*



Signature of Accepting Officer


*Charles*

**New United States Patent Application  
in the name of Leslie Robert WATSON et al.  
Corresponding to PCT International Patent Application No. PCT/AU98/00991  
claiming priority from Australian Patent Application No. PP0581**

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This is Exhibit marked RC-5 referred to in the Statutory Declaration by RICKY SIANG FATT CHIA.

DATED this 25<sup>th</sup> day of September, 2000

  
.....C-Dec-2790  
Commissioner for Declarations

PATENT, TRADE MARK AND DESIGN ATTORNEYS

INTELLPRO<sup>®</sup>

PROTECTION GROWTH FRUITION

17 August 2000

Mr Christian Decosterd  
84 Dunedin Street  
SUNNYBANK QLD 4109

BY REGISTERED MAIL

Attention: Mr Christian Darrel Decosterd

Dear Mr Decosterd

**United States Patent Application  
in the name of A.I. SCIENTIFIC PTY LTD  
entitled A SAMPLE DISTRIBUTION APPARATUS/SYSTEM  
Our Ref: 00P061:RC:SB**

We are a firm of patent attorneys and are acting for our client, A.I. Scientific Pty Ltd.

Our client's PCT International Patent Application No. PCT/AU98/00991 has entered National Phase in the United States of America. These patent applications list you as one of the inventors as you had certain innovative contributions to the inventions described in these applications.

For information we have attached a copy of the specification of the PCT application and its Preliminary Examination report.

Under the United States patent system each inventor must sign and submit a declaration and a power of attorney form. Accordingly we are enclosing a combined declaration and power of attorney form for signature and return.

Also enclosed is an assignment document for transferring to our client rights to the inventions claimed in the US National Phase application.

Please sign the above documents and return them to us within fifteen days.

Yours faithfully



**Ricky Chia  
INTELLPRO**

Enc: Combined Declaration and Power of Attorney  
Assignment  
PCT Pamphlet  
PCT Preliminary Examination report

\*Trevor J. Dredge - B Appl Sc Exec Dip Ent FIPTA  
\*Michael H. Kraemer - B Sc RPA(UK) RPA(NZ) FIPTA  
Ricky S.F. Chia - B Tech Elec Eng Grad IEAust PEEng  
Angela V. Dahlke - B Appl Sc (Biotechnology) (Hons)  
\*Fellow of the Institute of Patent and Trade Mark Attorneys of Australia

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